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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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03/31/2004

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EXAMINER

SHAW, PELING ANDY

ART UNIT

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2444

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/815,301	Applicant(s) RAVERDY ET AL.	
	Examiner PELING A. SHAW	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment received on 12/28/2009 has been entered into record. No claim is changed.

Claims 1-30 are currently pending.

2. Applicant's submission filed on 07/21/2009 was entered. Specification changes to paragraphs 19 and 31 were reviewed and accepted. Claims 26-27 were amended.

3. Amendment received on 12/23/2008 was entered into record. Claims 1, 4-6, 14, 18-19, 27 and 29 were amended.

Priority

4. This application has no priority claim made. The filing date is 03/31/2004.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 27-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

- a. Applicant has amended claim 27 with the limitations of “creator to create a WKG” and “creator to create a SBG” and referred to paragraph 31 of applicant’s specification for support. Examiner has read the paragraph and found that the creator as per paragraph 31 of applicant’s specification is of software nature, e.g. “some module on the device may dynamically create a WEP key”. That is not a process, machine, manufacture or composition of matter as per 35 U.S.C. 101. Applicant has further referred to paragraphs 19-20 for support, i.e. “ a WKG may be created and/or joined by any device ...” A claim language may be read in light of applicant’s

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specification. However, the claim language must be specific about the reference, i.e. the creator should be specifically referred to as a device, e.g. a computing device is used to create a WKG. Otherwise, the creator would be read as a person or a company as per paragraph 31 of applicant's specification. Claim 27 and its dependent claims are thus rejected. For the purpose of applying art, claims 27-30 are considered within the same scope as claims 1 and 4-6.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 14-19 and 27-30 rejected under 35 U.S.C. 102(e) as being anticipated by Vasisht (US 20040133689 A1), hereinafter referred as Vasisht.

- a. Regarding claim 1, Vasisht disclosed a method comprising: creating a session-based ad-hoc group (SBG) within a well-known ad-hoc group (WKG) for impromptu interactions among unrelated mobile users, the SBG being one of an open SBG and a restricted SBG (paragraph 18: Zero Configuration Utility for WiFi gives users a list of available of WiFi networks; paragraphs 9 and 13-14: WiFi with or without WEP), the WKG having a WKG network configuration and a set of WKG interaction protocols, the SBG having SBG network configuration and a set of SBG interaction protocols (paragraph 18: Zero Configuration Utility for WiFi, broadcast SSID for user to log on, should the network require authentication or an encryption key; paragraph 14: WEP; paragraph 13: 802.11 protocol suite); and advertising information pertaining to the SBG on the WKG, the information including an access method for joining the restricted SBG (paragraph 18: give a user a list of available WiFi

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- networks, broadcast SSID for user to log on, should the network require authentication or an encryption key; paragraph 14: WEP; paragraph 13: 802.11 protocol suite).
- b. Regarding claim 2, Vasisht disclosed the method of claim 1 wherein creating the SBG comprises obtaining the WKG network configuration and the set of WKG interaction protocols (paragraph 35: receiving settings for certain parameters that enable the device to operate; paragraph 112: download network setting to devices enabling configuration).
- c. Regarding claim 3, Vasisht disclosed the method of claim 2 wherein obtaining the WKG network configuration and the set of WKG interaction protocols comprises obtaining one of a pre-configuration on a retail device, a downloadable client software, and a public advertisement (paragraph 9: default settings; paragraph 18: broadcast SSID for user to log on).
- d. Regarding claim 4, Vasisht disclosed the method of claim 1 wherein the WKG creates one of an open WKG and a restricted WKG, the open WKG having no access control, the restricted WKG having an access control to selected users (paragraph 9: WiFi without WEP; paragraph 18: give a user a list of available WiFi networks, broadcast SSID for user to log on).
- e. Regarding claim 5, Vasisht disclosed the method of claim 1 wherein creating the SBG comprises: creating one of the open SBG and the restricted SBG, the open SBG having no access control, the restricted SBG having an access control to selected users (paragraph 9: WiFi with WEP; paragraph 18: give a user a list of available WiFi

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- networks, broadcast SSID for user to log on, should the network require authentication or an encryption key).
- f. Regarding claim 6, Vasisht disclosed the method of claim 5 wherein creating one of the open SBG and the restricted SBG comprises: selecting at least an administrator to manage access to the restricted SBG and control changes to the SBG network configuration (paragraph 18: give a user a list of available WiFi networks, broadcast SSID for user to log on, should the network require authentication or an encryption key).
 - g. Claims 14-19 are of the same scope as claims 1-6. These are rejected for the same reasons as for claims 1-6.
 - h. Claims 27-30 are of the same scope as claims 1 and 4-6. These are rejected for the same reasons as for claims 1 and 4-6.

Vasisht disclosed all limitations of claims 1-6, 14-19 and 27-30. Claims 1-6, 14-19 and 27-30 are rejected under 35 U.S.C. 102(e).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 12-13, 20 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vasisht and further in view of Krantz et al. (US 7284062 B2), hereinafter referred as Krantz, and Feeney et al. (Communications Magazine, IEEE, June 2001, p. 176-181 or p. 1-12 per applicant's disclosed NPL), hereinafter referred as Feeney.

- a. Vasisht has shown claims 1 and 5-6 as above. Vasisht does not show (claim 7) selecting an advertising node according to a criteria within the SBG; collecting information on the SBG; periodically joining the WKG to broadcast the SBG information and to collect information on the WKG or a nearby SBG; and returning to the SBG to advertise the information collected on the WKG to SBG members. However Vasisht shows (paragraph 18) giving a user a list of available WiFi networks, broadcast SSID for user to log on, should the network require authentication or an encryption key; and (paragraph 14) using WEP to limit access and communication with WEP among wireless devices.
- b. Feeney has shown for claim 7 that (abstract) an ad hoc network network must provide administrative services including address allocation, name resolution, service location, authentication and access control policies without a pre-established or

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- centralized network management (page 8, section with heading “Network partition and merge”) joining group in an analogous art for the purpose of providing an ad hoc networking based application.
- c. Krantz has shown for claim 7 that (column 12, lines 22-38) a data routing device can be a device capable of grouping computer systems together in a single broadcast domain based on criteria other than physical location in an analogous art for the purpose of automatic provisioning computer system for accessing a network.
 - d. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Vasisht’s functions of using WEP/802.11 in configuring a user network with limit access with Feeney’s functions of establishing ad hoc network without pre-established or central network management and Krantz’s functions of using a data routing device to group computer systems.
 - e. The modification would have been obvious because one of ordinary skill in the art would have been motivated to further apply functions of configuring wireless network with access control as per Vasisht as applied to Feenway’s spontaneous networking (section 2 on pages 3-4 and section 5 on page 8-10) with administration functions (abstract) where a data routing device is used to group computer systems in a broadcast domain (Fig. 2).
 - f. Claims 12-13, 20 and 25-26 are of the same scope as claims 1 and 5-7. These are rejected for the same reasons as for claims 1 and 5-7.

Together Vasisht, Krantz and Feeney disclosed all limitations of claims 7, 12-13, 20 and 25-26. Claims 7, 12-13, 20 and 25-26 are rejected under 35 U.S.C. 103(a).

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8. Claims 8-11 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vasisht and further in view of Feeney.

- a. Vasisht has shown claims 1 and 5-6 as above. Vasisht does not show (claim 8) further comprising: joining the WKG according to user configuration. However Vasisht shows (paragraph 18) giving a user a list of available WiFi networks, broadcast SSID for user to log on, should the network require authentication or an encryption key; and (paragraph 14) using WEP to limit access and communication with WEP among wireless devices.
- b. Feeney has shown for claim 8 that (page 8, section with heading “Network partition and merge”) joining group in an analogous art for the purpose of providing an ad hoc networking based application.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Vasisht’s functions of using WEP/802.11 in configuring a user network with limit access with Feeney’s functions of establishing ad hoc network without pre-established or central network management.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to further apply functions of configuring wireless network with access control as per Vasisht as applied to Feenway’s spontaneous networking (section 2 on pages 3-4 and section 5 on page 8-10) with administration functions.

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- e. Regarding to claims 9-11, Feeney has further shown (page 8, section with heading “Network partition and merge”) partitioning the network as a project team is divided two group and later merging the network as the project rejoins.
- f. Claims 21-24 with respect to claim 14 are of the same scope as claims 8-11 with respect to claim 1. These are rejected for the same reasons as for claims 8-11.

Together Vasisht and Feeney disclosed all limitations of claims 8-11 and 21-24. Claims 8-11 and 21-24 are rejected under 35 U.S.C. 103(a).

Response to Arguments

9. Applicant's arguments filed on 12/28/2009 have been fully considered, but they are not persuasive.

- a. Examiner appreciates applicant's narrative discussion on the merit of claim 27 with respect to 35 U.S.C. 101 (see 3rd paragraph on page 8 through 4th paragraph on page 14 of current amendment). However, the discussion of Abele, the Bilski is on a "process" claim (or a method claim). Claim 27 is said to be of a system. Thus the discussion should focus on the substance of being a system rather the method implemented in a system. The "creator" as per paragraphs 22 through 31 of applicant's specification is of either any entity nature, such as a company, a government source community, or an individual implemented as a process. However there is no referring to a system, not speaking on how the creator is really a person or a software program stored in a computer readable medium when executed will carry steps to fulfill the functions of limitations. Thus applicant's Bilski discussion is good one but applicable to a process (or method) claim and not to a system claim.
- b. Applicant has repeated the same argument (see in 2nd paragraph on page 15 through 3rd paragraph on page 16 of current amendment) as per 5th paragraph on page 11 through 2nd paragraph on page 13 of amendment received on 07/21/2009. Examiner has addressed the argument in items "a" and "b" of section 8 of Office Action mailed on 10/01/2009. Applicant has argued the limitation of "for impromptu interactions among unrelated mobile users" citing Vasisht's disclosure that all the nodes devices have the same SSID and are connected to the same home network. Applicant has

- discussed in paragraphs 17-20 and Fig. 1 of applicant's published specification, using WLAN with SSID and encryption key for joining working groups for unrelated notes to communicate with each other. That is consistent with Vasisht's discussion of using WIFI, i.e. WLAN, with SSID and authentication or an encryption to permit working with other node devices in a home network, a Small Office Home Office network.
- c. Applicant has argued that SSID does not include an access method for joining the restricted SBG (see 2nd paragraph on page 19 of current amendment). Applicant has discussed joining work group with SSID and the encryption key (paragraph 20 of applicant's published specification) to interact with each other without knowing each other; discovering in WiFi with SSID (paragraphs 33 and 42 of applicant's published specification). That is consistent with Vasisht's discussion on using Microsoft's Zero Configuration Utility for WiFi for using available WiFi network with broadcasting SSID.
- d. Applicant has argued further that Vasisht's disclosure (paragraph 79) on the claim 7's limitation of "selecting an advertising node according to a criteria within the SBG" in light of paragraph 41 of applicant's published specification (see 3rd through 6th paragraphs on page 23 of current amendment). However, applicant's claimed limitation of "criteria" does not include specific description on what and how specific criteria would be used. The predetermined network configuration criteria (per paragraph 79 of Vasisht) seem to provide some meaningful criteria for home networking, i.e. some kind of secured network. Krantz's reference in disclosing the

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limitation of “criteria” is cited in item “c” of section of claim 7, 12-13, 20 and 25-26
rejections under 35 U.S.C. 103(a).

Remarks

10. The following pertaining arts are discovered and not used in this office action. Office reserves the right to use these arts in later actions.

- a. Narayanaswami et al. (US 7185204 B2) Method and system for privacy in public networks
- b. Cam Winget (US 7275157 B2) Facilitating 802.11 roaming by pre-establishing session keys
- c. Grobler et al. (US 20050048997 A1) Wireless connectivity module
- d. Redlich et al. (US 20050114490 A1) Distributed virtual network access system and method
- e. Manchester et al. (US 20050198221 A1) Configuring an ad hoc wireless network using a portable media device

Conclusion

11. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Peling A Shaw/
Examiner, Art Unit 2444